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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 DENNIS FORSHAY,

7 Plaintiff,

8 v.

9 SOUTHERN WINE & SPIRITS OF
10 NEVADA, INC.,

11 Defendant.
12

Case No. 2:10-CV-02131-KJD-PAL

ORDER

13 Before the Court is Defendant's Motion to Dismiss (#22). Plaintiff filed an opposition (#23)
14 and Defendant replied (#24).

15 Defendant argues that this Court lacks jurisdiction over this employment discrimination
16 action because, *inter alia*, the claims are subject to a binding arbitration provision in a collective
17 bargaining agreement. Based on the pleadings of the parties, it appears that Plaintiff agrees that the
18 Court lacks subject matter jurisdiction and that the claims between the parties should be resolved at
19 arbitration. (Opp. at 5.) Accordingly, **IT IS HEREBY ORDERED** that Defendant's Motion to
20 Dismiss (#22) is **GRANTED**.

21 DATED this 4th day of November 2011.
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25 Kent J. Dawson
26 United States District Judge